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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PIERRE KORY, M.D., LE TRINH HOANG,
D.O., BRIAN TYSON, M.D., PHYSICIANS
FOR INFORMED CONSENT, a not-for-profit
corporation and, CHILDREN'S HEALTH
DEFENSE, a not-for-profit corporation,

Plaintiffs,

v.

ROB BONTA In his official capacity as
Attorney General of California, REJI
VARGHESE, in his official capacity as
Executive Director of the Medical Board of
California, ERIKA CALDERON, in her
official capacity as Executive Officer of the
Osteopathic Medical Board of California; and

Defendants.

Case No: 2:24-cv-00001 WBS-AC

**DECLARATION OF PIERRE KORY,
M.D. IN SUPPORT OF PRELIMINARY
INJUNCTION MOTION**

Date: April 1, 2024
Time: 1:30 PM
Courtroom: 5, 14th Floor

Action Filed: January 2, 2024

1 I, Pierre Kory, M. D., declare as follows:

2 1. I am one of the individual plaintiffs in this case. I have personal knowledge of
3 the facts set forth herein, and I have already verified parts of the complaint in a verification
4 attached to the Verified Complaint.

5 2. I would like to give my perspective as a fifteen plus year critical care physician,
6 which is the specialty that supervises ICUs and all staff including physicians. This medical
7 specialty routinely deals with patients on ventilators, which is why I became so distressed
8 during the first months of the pandemic because the use of ventilators was so obviously not
9 helping preventing deaths and was increasing the likelihood of death. Plus, the so-called
10 standard of care practice to send Covid patients home completely untreated until they needed
11 to be hospitalized, at which point it was often too late.

12 3. This led me and other critical care physicians to look for treatments, especially
13 repurposed drugs like HCQ and Ivermectin. Since that time, me and my like-minded
14 colleagues have treated over 20,000 patients with protocols involved repurposed drugs and
15 other things like antibiotics and certain vitamins and minerals.

16 4. In the case of Ivermectin, there are currently 100 controlled clinical trials from
17 around the world, the summary analysis of which demonstrates the efficacy of Ivermectin
18 within these protocols. There are a small number of studies which instead find little evidence
19 of efficacy. I have addressed the methodological problems with those studies in my book, but
20 that is beyond the scope of this declaration, except to summarily state that these protocols
21 require specific dosages, the treatments must be started before hospitalization, and treatments
22 must be continued until the patient is fully recovered. The lack of adherence to these protocol
23 requirements are just some of the reasons for the negative results in the studies not confirming
24 the benefit.

25 5. It is my belief and the belief of many of my colleagues that the reason these
26 repurposed drugs and treatment protocols were dismissed was because of the requirement that
27 emergency use authorization (“EUA”) of investigational drugs and biologics are only available
28 if there is no effective treatment for the condition, in which cases, even though not fully tested,

1 these investigational products can be marketed despite the lack of long-term safety data. Thus,
2 effective repurposed drugs threatened a massive global market for Covid vaccines of over 100
3 billion dollars.

4 6. Early on, there were concerns raised by the safety of these vaccine products, and
5 as time has passed these concerns have not been resolved, despite the eventual full approval of
6 these products.

7 7. Now, three years after the public health authorities' constant drumbeat for the
8 use of these products, even the media is starting to report a significant increase in deaths which
9 is not explained by Covid, especially since the Omicron variant became much less lethal than
10 prior variants. See [https://www.usatoday.com/story/opinion/2023/08/11/more-americans-](https://www.usatoday.com/story/opinion/2023/08/11/more-americans-dying-than-before-pandemic-covid-deaths/70542423007/)
11 [dying-than-before-pandemic-covid-deaths/70542423007/](https://www.usatoday.com/story/opinion/2023/08/11/more-americans-dying-than-before-pandemic-covid-deaths/70542423007/) and
12 [https://www.newsweek.com/why-are-death-disability-rising-among-young-americans-opinion-](https://www.newsweek.com/why-are-death-disability-rising-among-young-americans-opinion-1837006)
13 [1837006](https://www.newsweek.com/why-are-death-disability-rising-among-young-americans-opinion-1837006)

14 8. These reports are consistent with the insurance industries' findings of increased
15 deaths since vaccines were administered. See [https://thehill.com/opinion/healthcare/4354004-](https://thehill.com/opinion/healthcare/4354004-this-is-bigger-than-covid-why-are-so-many-americans-dying-early/)
16 [this-is-bigger-than-covid-why-are-so-many-americans-dying-early/](https://thehill.com/opinion/healthcare/4354004-this-is-bigger-than-covid-why-are-so-many-americans-dying-early/).

17 9. In fact, a shocking and unexplained fact by the public health authorities is that
18 the death rate attributed to Covid went up after the vaccines were widely distributed in 2021,
19 compared to 2020, which of course is inconsistent with the Covid shots saving lives.

20 10. All this information is, to varying degrees out there in the public. Patients come
21 to physicians like me for our honest opinions, uncertain about whether to continue to take each
22 successive booster and whether to use off label drugs or protocols such as the ones used by Dr.
23 Tyson and many others, including myself. This is especially true because as Dr. Tyson has
24 noted in his declaration, the Omicron variant is much less lethal than prior variants. I also
25 agree with the idea that the public's mistrust of the public health authorities' edict is largely a
26 self-created phenomenon due to the unjustified certainty of their pronouncements coupled with
27 how often their edicts have had to be changed or abandoned.
28

1 11. I also agree with Dr. Tyson, that Covid has allowed the public health authorities
2 and the government overseers of medicine to debase and repudiate the collective wisdom and
3 experience of practitioners who were trying repurposed drugs and other logical treatment, rather
4 than follow the public health authorities' promotion of new drugs with numerous known serious
5 side effects. See <https://www.paxlovid.com/side-effects>. In addition, Paxlovid has drug
6 interactions with 125 different medicines across 25 classes. See

7 https://www.med.umich.edu/asp/pdf/outpatient_guidelines/Paxlovid-DDI.pdf

8 12. I am also not surprised by the findings Dr. Hoang has related to the Court, given
9 the new mRNA technology and its effect on human biology and immunology.

10 13. To end on a broader point, I think it is a dangerous thing to allow the government
11 to determine what is truth in medicine, and to force physicians to toe the party in discussions
12 with patients. I found it both unprecedented and unconscionable that during a period of rapidly
13 emerging knowledge and insights into a novel disease, "scientific consensus" was so rapidly
14 achieved and soon after disbanded only to be replaced with a new one. Yet, each time one was
15 supposedly established, any physician who questioned or reached a contrary scientific
16 conclusion due to the identification of severely conflicting data, were persecuted and threatened
17 for violating such hasty "standards of care." Further, many of us are deeply aware of the
18 decades long influence of the pharmaceutical industry along with the civil and criminal fines
19 accrued in the tens of billions of dollars. Thus, we rightly adopted a skeptical stance in a
20 situation where the only drugs or treatments for Covid that were approved by our regulatory
21 and professional societies uniformly consisted of only patented, barely-tested, immensely
22 profitable pharmaceuticals and vaccines. All inexpensive, re-purposed drugs were ignored and
23 vilified. We believe our publicly voiced skepticism and alternative conclusions were entirely
24 appropriate given the agencies' prior failures and the almost constant apologies and promises to
25 do better as outlined in the complaint. Until Covid, compelling physicians to limit discussions
26 with patients was not something we have seen in this country, but I understand that it was all
27 too familiar in some of the world's most repressive regimes.

14. It is for these reasons, to help correct the record and ask the Court to once again allow physicians to speak their truth to patients, and give patients the right to hear information other than the government's messaging on Covid.

15. I declare under penalty of perjury that the above information is true and correct.

Signed: February 9, 2024.

Pierre Kory

 Pierre Kory, M.D.